

REGISTER



South Dakota Legislative Research Council

Volume 44

Monday, 8:00 a.m., June 25, 2018

FILINGS IN THE LEGISLATIVE RESEARCH COUNCIL'S OFFICE:

Notice of Proposed Rules: (The date in parentheses is the date the rules were filed with the Legislative Research Council.)

Department of Agriculture: (June 18, 2018) intends to amend rules to remove unnecessary definitions; add a definition for small or beginning farmer; repeal "building our South Dakota rural communities" (BOSDRC) grant rules; update language regarding conservation tillage equipment loans; combine rules for participation loan programs; allow direct loans to be provided; enhance the way the Secretary of Agriculture sets interest rates; repeal livestock loan rules; and repeal rules regarding the Beginning Farmer Down Payment Guaranty Program. The general authority for these rules, as cited by the department, is SDCL § 38-6-8.1.

A public hearing will be held at the Matthew Training Center, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on August 6, 2018, at 10:00 a.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to South Dakota Department of Agriculture, Ag Development, Foss Building, 523 E. Capitol Avenue, Pierre, SD 57501. Material sent by mail must reach the Department by August 16, 2018, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the Department can make arrangements are asked to call (605) 773-5436 at least 48 hours before the public hearing.

Department of Veterans Affairs:

(June 19, 2018) intends to amend rules to clarify the duties of county veterans' service officers, and simplify the application process. The general authority for these rules, as cited by the department, is SDCL §§ 33A-1-8 and 33A-2-25.

A public hearing will be held in the Lake Sharp Room, Ramkota Convention Center, 920 West Sioux Avenue, Pierre, South Dakota, on August 22, 2018, at 1:00 p.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to South Dakota Department of Veterans Affairs, Soldiers and Sailors Building, 425 E. Capitol Avenue, Pierre, SD 57501. Material sent by mail must reach the Department by August 10, 2018 to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the Department can make arrangements are asked to call (605) 773-8242 at least 48 hours before the public hearing.

Department of Health: (June 20, 2018)

intends to amend rules to revise the definition of tattooing to include microblading, and to clarify that municipalities may regulate microblading under the regulations for tattooing. The general authority for these rules, as cited by the department, is SDCL § 34-1-17.

A public hearing will be held at the South Dakota Department of Health, Robert Hayes Building, Room 107, 600 East Capitol Avenue, Pierre, South Dakota, on July 25, 2018, at 10:00 a.m. CT. Copies of the proposed rules may be obtained without

charge from and written comments sent to the South Dakota Department of Health, 600 E. Capitol Avenue, Pierre, SD 57501. Copies are also available online at <http://doh.sd.gov/News> or <https://rules.sd.gov>. Material sent by mail must reach the Department by August 6, 2018, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the Department can make arrangements are asked to call (605) 773-3361 at least 48 hours before the public hearing.

Department of Health: Board of Certified Professional Midwives: (June 20, 2018) intends to amend rules to address definitions, licensing, scope of practice, fees, and disciplinary procedures for midwives. The general authority for these rules, as cited by the department, is SDCL § 36-9C-32.

A public hearing will be held at the South Dakota Department of Health, Robert Hayes Building Conference Room, 600 East Capitol Avenue, Pierre, South Dakota, on July 17, 2018, at 2:00 p.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Department of Health, 600 E. Capitol Avenue, Pierre, SD 57501. Material sent by mail must reach the Department by July 16, 2018, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the Department can make arrangements are asked to call (605) 773-3361 at least 48 hours before the public hearing.

NOTICE:

The **Department of Social Services** intends to make changes to the South Dakota Medicaid

State Plan regarding prescription drug reimbursement. The proposed State Plan Amendment (SPA) implements federally required prescription drug reimbursement methodology changes including the implementation of actual acquisition cost and a professional dispensing fee. It also contains cost containment measures should expenditures be projected to exceed the amount appropriated by the state legislature. The SPA revises page 20 and adds page 20b to Attachment 4.19-B, and removes obsolete language on page 1 of Attachment 3.1-A.1 of the South Dakota Medicaid State Plan. The Department intends to make this SPA effective August 1, 2018 and estimates it will have no federal fiscal impact in Federal Fiscal Years 2018 and 2019. The SPA can be viewed online at <http://dss.sd.gov/medicaid/medicaidstateplan.aspx>. Written requests for a copy of these changes, and corresponding comments, may be sent to Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, SD 57501.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

(None)

Note: A copy of the rules may be obtained directly from the above agencies or at <https://rules.sd.gov>. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Revenue, and the Department of Labor and Regulation for Article 47:03.

REMINDER OF HEARINGS SCHEDULED

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| 6-25-2018 | Department of Labor and Regulation: SD Cosmetology Commission: Amend rules to eliminate two-tier instructor licensing; allow for substitute instructors; reduce cosmetology and apprentice education hours; set minimum curriculum hours; clarify school reporting requirements; change the instructor to student ratio; allow students to take their licensure State Board exams prior to finishing their education so that they can immediately join the work force upon completion of their education; and eliminate salon licensure requirements for certain assisted living facilities; 44 SDR 179, June 4, 2018. |
| 6-28-2018 | Department of Health: Board of Nursing: Amend rules to add certified registered nurse anesthetists (CRNA), clinical nurse specialists (CNS), certified nurse practitioners (CNP), and certified nurse midwives (CNM) to the definition of school; raise the biennial renewal fees for RNs, LPNs, CRNAs, and CNSs from \$70 to \$95; update the rules for the approval of nursing education programs and add requirements for approval of advanced practice nursing programs; repeal outdated rules regarding the Nurse Licensure Compact; and update the rules for nurse practitioners and nurse midwives; 44 SDR 171, May 21, 2018. |
| 7-11-2018 | Department of Game, Fish and Parks: Amend rules to prohibit people from bringing firewood that has been in an emerald ash borer quarantined area or out of South Dakota into state parks unless it has a label certifying it has been treated for emerald ash borer; eliminate no boating zones on East Oakwood Lake, the Windgate Arm portion of Waubay Lake, Silver Lake, Crow Lake, Whitewood Lake Waterfowl Refuge, and the portions of Island Lake north of McCook County Road 6 and north of Minnehaha County Road 110; eliminate a no boating zone and restrict the type of boats and motors used on Putney Slough Game Production Area, Long Lake, Mckilligan Lake, Horseshoe Lake, Spirit Lake, Lehrman Game Production Area, Clear Lake, and Cottonwood Lake Waterfowl Refuge; restrict the type of boats and motors used on Swan Lake; eliminate the no motorized zone on the meandered portion of Milwaukee Lake; change Bear Butte Lake from a "no motor over 25 horse power" to a "no wake zone"; eliminate the East Oakwood Lake State Waterfowl Refuge, Sand Lake State Game Bird Refuge, and Whitewood Lake State Waterfowl Refuge; modify the size of the Waubay State Game Refuge; exclude from the refuge the area owned by Game, Fish and Parks on the southern portion of Cottonwood Lake; eliminate a number of archery restrictions; eliminate language regarding hunting elk with a certain mechanical broadhead or a bow or a certain fixed blade broadhead or a bow; eliminate Sand Lake National Wildlife Refuge from Unit 2 and create a new unit, Unit 3, to include Sand Lake National Wildlife Refuge and establish hunting seasons; reduce one-tag turkey resident licenses for the Black Hills from 400 to 200, the one-tag any turkey resident license from 1,230 to 925, and the two-tag resident license from 50 to 0; eliminate Lawrence, Meade, and Pennington Counties from Unit PFT-BH1; close units PFT-08A, PFT-12A, PFT-13A, PFT-37A, PFT 53A, and PFT 62A; expand unit PFT-48A to include all of Roberts County; create a new unit PFT-39A in Jackson County; and change fish harvest regulations for Reetz Lake in Day County; 44 SDR 191, June 18, 2018. |
| 7-16-2018 | Department of Education: South Dakota Board of Education Standards: Repeal certain rules regarding postsecondary technical education to permit the Board of Technical Education to assume authority over the postsecondary technical institutes; amend rules to allow educators an additional year to complete the required coursework for CTE educator certification; create a new educator certification endorsement for the |

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| | Government and Public Administration Career Cluster; and amend high school graduation requirements for South Dakota schools; 44 SDR 183, June 11, 2018. |
| 7-17-2018 | Department of Health: Board of Certified Professional Midwives: Amend rules to address definitions, licensing, scope of practice, fees, and disciplinary procedures for midwives; 44 SDR 198, June 25, 2018. |
| 7-19-2018 | Department of Public Safety: Amend rules to adopt the 2018 edition of the Commercial Vehicle Safety Alliance handbook; establish requirements for certified nonprofit bus inspectors; revise the harvesting season and radius for hours of service exemption; establish driver license suspension periods for points accumulation; revise the documents required to obtain a driver's license; update references to federal adoptions; and create a declaratory petition process; 44 SDR 191, June 18, 2018. |
| 7-25-2018 | Department of Health: Amend rules to revise the definition of tattooing to include microblading, and to clarify that municipalities may regulate microblading under the regulations for tattooing; 44 SDR 197, June 25, 2018. |
| 8-6-2018 | Department of Agriculture: Amend rules to remove unnecessary definitions; add a definition for small or beginning farmer; repeal "building our South Dakota rural communities" (BOSDRC) grant rules; update language regarding conservation tillage equipment loans; combine rules for participation loan programs; allow direct loans to be provided; enhance the way the Secretary of Agriculture sets interest rates; repeal livestock loan rules; and repeal rules regarding the Beginning Farmer Down Payment Guaranty Program; 44 SDR 197, June 25, 2018. |
| 8-22-2018 | Department of Veterans Affairs: Amend rules to clarify the duties of county veterans' service officers, and simplify the application process; 44 SDR 197, June 25, 2018. |

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee for the 2018 Interim is Monday, July 9, 2018, at 10:00 a.m. in Room 414 of the State Capitol. Other meetings scheduled for the 2018 interim will be held August 20, September 17, and November 13.

Note: An updated version of the Administrative Rules Guide to Form and Style is available on the LRC website at <http://www.sdlegislature.gov/Rules/RulesManual.aspx>.